WP(C) 3831/2007

BEFORE

HON'BLE JUSTICE MR I. A. ANSARI

Heard Mr. S. Dutta, learned counsel, appearing on behalf of the petitioner, namely, United India Insurance Co. Ltd.

On the basis of an application seeking compensation made under Section 166 of Motor Vehicles' Act, MAC Case No. 511/2003 was registered with the Motor Accidents Claims Tribunal, Nagaon. This claim was disposed of by an award, dated 29.08.2005, whereby the claimant was directed to be paid a sum of Rs. 7,32,680/-, as compensation, by the insurer, i.e. the present petitioner. Aggrieved by the award, so passed, the insurer preferred an appeal, which came to be registered as MAC Appeal No. 125/2006. While the appeal was so pending, a recovery proceeding was started in the office of the Deputy Commissioner, Bakijai Branch, Nagaon. This recovery proceeding gave rise to Case No. C.C. 35 of 2006-2007 against the petitioner. By judgment and order, dated 12.01.2007, the appeal was dismissed. The petitioner, now, claims that it has satisfied the award, in question, by depositing, on 14.04.2007, the requisite amount with the Motor Accidents Claims Tribunal, Nagaon. The petitioner's grievance, in the present writ petition, is that notwithstanding the fact that the award, in question, has already been satisfied, the recovery proceeding has been allowed to continue and that the next date fixed by the Recovery Officer is 03.08.2007.

Considering the matter in its entirety and in the interest of justice, it is hereby directed that the respondent No. 1, namely, Divisional Magistrate and i/c, Bakijai Branch, Office of the Deputy Commissioner, Nagaon, shall examine the matter and if it is found that the award has been satisfied, the Bakijai proceeding shall be closed forthwith by making a speaking order on 03.08.2007 itself. On the date fixed, i.e. on 03.08.2007, the petitioner may appear in the recovery proceeding through his counsel.

With the above observations and directions, this writ petition shall stand disposed of.

No order as to cost.

The petitioner shall remain at liberty to furnish a copy of this order to the respondent No. 1.